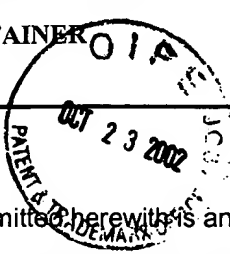
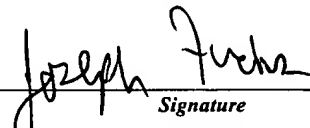
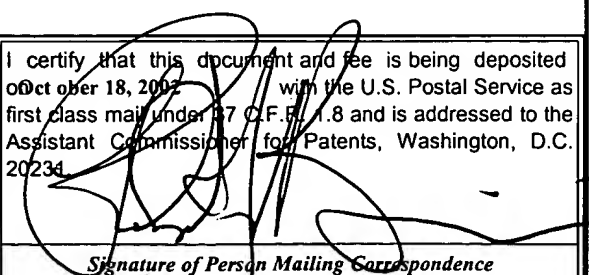
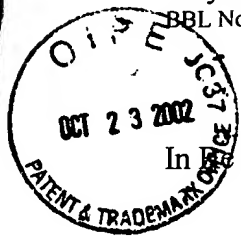


644 1772

AMENDMENT TRANSMITTAL LETTER (Large Entity)			Docket No. FLM-5687		
Applicant(s): Michael T.K. Ling et al.					
Serial No. 09/756,490	Filing Date January 8, 2001	Examiner Sandra M. Nolan	Group Art Unit 1772		
Invention: PORT TUBE AND CLOSURE, STRUCTURE AND ASSEMBLY FOR A FLOWABLE MATERIAL CONTAINER					
<div style="display: flex; justify-content: space-between;"><div><div>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</div><p>Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.</p></div><div style="writing-mode: vertical-rl; transform: rotate(180deg);">RECEIVED OCT 25 2002 TC 1700 MAIL ROOM</div></div>					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	111 -	111 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	5 -	5 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<div><input checked="" type="checkbox"/> No additional fee is required for amendment.</div> <div><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed.</div> <div><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</div> <div><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-1818 A duplicate copy of this sheet is enclosed.<div><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.<input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</div></div>					
<div> Signature</div> <div>Joseph A. Fuchs, Reg. No. 34,604 BELL, BOYD & LLOYD LLC P.O. Box 1135 Chicago, IL 60690-1135 Tel: (312) 807-4335</div>			Dated: October 18, 2002		
CC:			<div>I certify that this document and fee is being deposited October 18, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20234.</div> <div> Signature of Person Mailing Correspondence</div> <div>Robert J. Buccieri Typed or Printed Name of Person Mailing Correspondence</div>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application Of:

Michael T.K. Ling et al.

For: PORT TUBE AND CLOSURE,
STRUCTURE AND ASSEMBLY
FOR A FLOWABLE MATERIAL
CONTAINER

Serial No.: 09/756,490

Filed: January 8, 2001

Examiner: Sandra M. Nolan

Art Unit: 1772

Conf. No. 4232

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited
with the United States Postal Office with
sufficient postage as first class mail in an
envelope addressed to BOX NON-FEE
AMENDMENT 1, Commissioner for Patents,
Washington, D.C. 20231 on October 18, 2002.

Robert J. Buccieri

REPLY TO OFFICE ACTION MAILED SEPTEMBER 18, 2002

BOX NON-FEE AMENDMENT

Commissioner for Patents

Washington D.C., 20231

Sir:

This is a reply to an Office Action mailed August 21, 2002, with a shortened statutory response period of one (1) month from the mailing date. This Reply is filed within the time period and, therefore, is timely filed. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

REMARKS

Claims 1-111 are pending in this Application. The Examiner has entered an Election/Restriction requirement. Applicants respectfully traverse this Election/Restriction requirement.

Applicants acknowledge the Examiner's statement that the claims drawn to tubing are patentably distinct from the claims drawn to the closure assemblies. However, the Examiner has failed to make a prima facie case for requiring a Restriction. Specifically, pursuant to M.P.E.P. § 803, a restriction requirement is proper only if: (1) the inventions are independent or distinct as claimed, and (2) there would be a serious burden on the Examiner if the restriction is not required. Applicants contend that it would not be unduly burdensome for the Examiner if the

RECEIVED
OCT 25 2002
TC 1700 MAIL ROOM